

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.163 of 2018

Education Support Organization (Gyan Shala), 503 I.I.M. Campus, Vastrapur, Ahmedabad 380015 through its Chief Executive Pankaj Suman Jain aged about 67 Years, Son of Shri Indra Prasad Jain, Resident of 503 I.I.M. Campus Vastrapur, P.S.- Satellite, District- Ahmedabad, State- Gujarat

... .. Petitioner/s

Versus

The State Of Bihar and Anr

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the Respondent/s : Mr.Lalit Kishore Ag

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 26-04-2019 Heard Shri Raghubir Chandrayan, learned counsel for the applicant, and Shri Vishwa Bibhuti Kumar Singh for the State of Bihar.

This request case has been filed praying for appointing an arbitrator in terms of Clause 6 of the memorandum of understanding keeping in view the nature of dispute raised relating to certain work to be executed by the applicant.

A counter affidavit has been filed contending that the nature of the alleged default in no way gives rise to any such request inasmuch as there is a violation of the agreement by the applicant and not by the answering respondent. It is further stated in the affidavit that there is no arbitration clause as per the mandate of the Arbitration and Conciliation Act, 1996 and,



therefore, the request for appointment of an arbitrator is misconceived.

Having heard learned counsel for the parties, I find that Clause 6 of the agreement provides for entering upon an arbitration and it appears that the applicant had made a request for a resolution of the dispute but after waiting for the statutory period has now filed this request case invoking the powers under Section 11(6) of the 1996 Act.

In view of the aforesaid facts and the background, the application deserves to be and is allowed.

Justice Shailesh Kumar Sinha (a retired Judge of this Court) is appointed as the sole Arbitrator to enter upon the dispute and to render his award in terms of the 1996 Act for which requisite information shall be dispatched to the Arbitrator by the registry and the parties shall appear before the Arbitrator on 27th May, 2019 who shall thereafter proceed to deal with the matter in accordance with law.

(Amreshwar Pratap Sahi, CJ)

K.C.Jha/-

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